

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSHUA URIOSTE,

Plaintiff,

vs.

No. 1:16-CV-00755-JCH-KRS

CORIZON AND CENTURION
HEALTH CARE PROVIDERS, et al.,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court upon the status report filed by defense counsel on August 2, 2021. (Doc. 87). The docket in this action reflects multiple efforts by this Court and other persons to see that service of process might be effected upon Defendants Jose Martinez, M.D., and Ben Martinez, P.A. (collectively the “Medical Defendants”). (*See, e.g.*, Doc. 32) (order for service of process); (Docs. 47, 48, 59) (evidence of efforts by United States Marshals Service to serve process upon Medical Defendants care of Corizon Health Inc.); (Doc. 53) (notice from Corizon that the company is not authorized to accept service on behalf of Medical Defendants); (Doc. 67) (order for service of process); (Docs. 71-72, 75-76) (evidence of efforts by United States Marshals Service to serve process upon Medical Defendants care of Centurion Correctional Healthcare); (Doc. 74) (notice from Centurion that the company is not authorized to accept service on behalf of Medical Defendants). Following a status conference held on June 29, 2021 (*see* Doc. 85), the Court ordered defense counsel to file a status report providing any information in Defendants’ possession that may assist with locating the Medical Defendants for the purpose of effecting service (*see* Doc. 86). The Court advised at the status conference that Plaintiff would likely be directed to show cause as to why the Medical Defendants should not be

dismissed for lack of service if those parties could still not be located following submission of defense counsel's status report. (*See* Doc. 85 at 2).

In the status report filed on August 2, 2021, defense counsel states that he and his clients possess "no information regarding" either of the Medical Defendants. (*See* Doc. 87). In light of defense counsel's representations and the lengthy history of this Court's unsuccessful attempts to locate the Medical Defendants for service, the Court will direct Plaintiff to show cause as to why the Medical Defendants should not now be dismissed for lack of service.

IT IS, THEREFORE, ORDERED that on or before **September 7, 2021**, Plaintiff shall show cause in writing as to why Defendant Jose Martinez, M.D., and Defendant Ben Martinez, P.A., should not be dismissed from this action.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, flowing style.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE